

CRS Report for Congress

Community Oriented Policing Services (COPS): Background, Legislation, and Issues

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Summary

The Community Oriented Policing Services (COPS) program was created by Title I of the Violent Crime Control and Law Enforcement Act of 1994 (the '94 Crime Act). The mission of the COPS program is to advance community policing in all jurisdictions across the United States. Title I of the '94 Crime Act has been amended several times since it was enacted: in 1998 (P.L. 105-302), again in 2003 (P.L. 108-21), and in 2005 (P.L. 109-162).

The Violence Against Women and Department of Justice Reauthorization Act of 2005 (P.L. 109-162) reauthorized the COPS program through FY2009. Along with reauthorizing the COPS program, the act amended current law to change the COPS program into a single grant program.

Appropriated funding for the COPS program was more than \$1 billion for FY1995-FY2002, with the exception of FY2000 (\$595 million). Since FY2002, appropriated funding for the COPS program has been decreasing. The Administration's requested funding for the COPS program was more than \$1 billion for FY1995-FY2001, but with the exception of FY2002 (\$1.4 billion), the Administration's requested funding has also been less than \$1 billion. The decrease in appropriations for the COPS program coincided with a downward trend in the nation's crime rate.

According to the Department of Justice (DOJ), by 2000, the COPS program funded 105,000 police officers. The Government Accountability Office (GAO), however, estimates that COPS funding paid for a total of about 88,000 additional officer-years from 1994 to 2001. In their 2005 evaluation of the COPS program, the GAO estimates that COPS funding contributed to a 1.3% decline in the overall crime rate and a 2.5% decline in the violent crime rate for the years 1993 to 2000.

A recent audit by DOJ's Inspector General (OIG) found problems with the COPS Office and COPS grant programs. In its 2003 report, the OIG noted that there was a structural overlap between Office of Justice Programs (OJP) and the COPS Office and a duplication in some of OJP's and COPS' grant programs. A 2000 evaluation, sponsored by the National Institute of Justice (NIJ), suggested that, in general, the COPS program was able to meet its goal of promoting community policing by providing hiring and technology grants to local law enforcement agencies.

As the COPS program continues to evolve, several questions may concern lawmakers, including (1) will COPS become a program that solely funds technology efforts for state and local law enforcement, (2) can COPS funding continue to contribute to the decreasing crime rate if it only funds technology programs, and (3) in order to prevent an overlap in the structure of the programs administered by the COPS Office and OJP, should COPS be responsible for managing all of the funding appropriated to it rather than transferring some of its activities to OJP? This report will be updated as warranted.

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Community Oriented Policing Services (COPS): Background, Legislation, and Issues

Background

The Community Oriented Policing Services (COPS) program was created by Title I of the Violent Crime Control and Law Enforcement Act of 1994¹ (the '94 Crime Act). The mission of the COPS program is to advance community policing in all jurisdictions across the United States. The COPS program awards grants to state, local and tribal law enforcement agencies throughout the United States so they can hire and train law enforcement officers to participate in community policing, purchase and deploy new crime-fighting technologies, and develop and test new and innovative policing strategies.²

According to the COPS Office, it has awarded more than \$11.4 billion to over 13,000 law enforcement agencies across the United States since it started awarding grants in 1994.³ The COPS Office also reported that it has funded more than 118,000 community policing officers throughout the United States as of the end of FY2004.⁴

Under Title I of the '94 Crime Act, the Attorney General is authorized to make grants to states, units of local government, Indian tribal governments, other public and private entities, and multi-jurisdictional or regional consortia to increase the number of police officers and to focus the officers' efforts on community policing. Grant funds awarded under this title can be used to

- hire new police officers;
- rehire police officers who have been laid off; and
- obtain equipment or support systems and provide overtime pay, if it results in an increase of the number of officers deployed in community-oriented policing.

¹ P.L. 103-3221; 42 U.S.C. §3796dd(d).

² DOJ COPS Office, "About Community Oriented Policing Services Office," at [<http://www.cops.usdoj.gov/Default.asp?Item=35>].

³ Carl Peed, "Message from the Director," at [<http://www.cops.usdoj.gov/Default.asp?Item=37>].

⁴ Community Oriented Policing Services Office, "About Community Oriented Policing Services Office, at [<http://www.cops.usdoj.gov/Default.asp?Item=35>].

Funds can also be used for other non-hiring purposes such as

- training law enforcement officers in crime prevention and community policing techniques;
- developing technologies that emphasize crime prevention;
- linking community organizations and residents with law enforcement;
- supporting the purchase of weapons for police officers;
- decreasing the amount of time police must spend away from the community while awaiting court appearances; and
- facilitating the establishment of community-oriented policing as an organization-wide philosophy.⁵

Amendments to the '94 Crime Act

In 1998, P.L. 105-302 amended the '94 Crime Act to allow COPS funding to be used for school resource officers. In 2003, P.L. 108-21⁶ also amended the '94 Crime Act to allow COPS funding to be used for assisting states to enforce sex offender registration laws.⁷

COPS Reauthorization

The '94 Crime Act authorized funding for the COPS program through FY2000. Debate on Title I of the '94 Crime Act focused on whether the COPS program would be able to meet its goal of putting 100,000 new police officers on the beat by the end of FY2000.⁸ Starting in 1999, Congress turned its attention to reauthorizing the COPS program. There was support from some Members of Congress for continuing

⁵ These bullets represent the types of activities that were originally authorized in P.L. 103-322, which included (1) hiring programs such as Universal Hiring Program and Making Officer Redeployment Effective (MORE), and (2) other activities such as Police Corps, meth "hot spot" clean-up, law enforcement technology, and tribal law enforcement grants.

⁶ See §341 of the Prosecutorial Remedies and Other Tools to End the Exploitation of Children Today Act (PROTECT) of 2003 (P.L. 108-21).

⁷ For additional information on sex offender registering laws, see CRS Report RL32800, *Sex Offender Registration and Community Notification Law: Enforcement and Other Issues*, by Garrine P. Laney.

⁸ See Senate debate, "Violent Crime Control and Law Enforcement Act of 1994 — Conference Report," *Congressional Record*, vol. 140 (Aug. 25, 1994), pp. S12496-S12557; Rep. Manzullo, "Examining the Centerpiece of the Crime Bill," *Congressional Record*, vol. 140 (Aug. 18, 1994), pp. H8691-H8694; Sen. Orrin Hatch, "The Signing of the Crime Bill," *Congressional Record*, vol. 140 (Sept. 13, 1994), p. S12799; Rep. William J. Coyne, "The Right Tools for Fighting Crime — Extension of Remarks," *Congressional Record*, vol. 140 (Aug. 26, 1994), p. E1808; Senate debate, "The Crime Bill," *Congressional Record*, vol. 140 (Aug. 22, 1994), pp. S12285-S12288; Senate debate, "Violent Crime Control and Law Enforcement Act of 1994," *Congressional Record*, vol. 140 (Aug. 22, 1994), pp. S12250-S12284.

the COPS program.⁹ During this period, Congress discussed using COPS hiring programs to put another 50,000 police officers on the streets.¹⁰ After COPS initial authorization expired, several pieces of legislation were introduced in Congress that would have reauthorized the COPS program; however, no legislation was enacted until 2006 (see discussion below). Despite the expiration of the COPS program in 2000, however, Congress continued to appropriate funding for it.

The Violence Against Women and Department of Justice Reauthorization Act of 2005

On January 5, 2006, the Violence Against Women and Department of Justice Reauthorization Act of 2005 (P.L. 109-162) was signed into law. The act reauthorized the COPS program through FY2009. Along with reauthorizing the COPS program, the act amended current law¹¹ to change the COPS program into a single grant program. Prior to the enactment of P.L. 109-162, the COPS program consisted of several different subgrant programs that required applicants to apply for funding under each program. Funds awarded to state or local law enforcement can now be used to hire community policing officers or fund non-hiring programs.

⁹ See Senate debate, “Departments of Commerce, Justice, and State, the Judiciary and Related Agencies Appropriation Act,” *Congressional Record*, vol. 145 (July 22, 1999), pp. S8988-S9014; Rep. Bart Stupak, “COPS Program Good for Communities,” *Congressional Record*, vol. 145 (May 12, 1999), p. H3070; Rep. Rush Holt, “Reauthorize COPS Program,” *Congressional Record*, vol. 145 (May 12, 1999), p. H3003; Senate debate, “Concurrent Resolution on the Budget for Fiscal Year 2000,” *Congressional Record*, vol. 145 (Mar. 24, 1999) pp. S3301-3308; Senate debate, “Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2000,” *Congressional Record*, vol. 145 (July 21, 1999), pp. S8940-S8947.

¹⁰ See U.S. Congress, Senate Committee on the Judiciary, Subcommittee on Crime and Drugs, *Making America's Streets Safer: The Future of the COPS Program*, 170th Cong., 1st sess., Dec. 5, 2001 (Washington: GPO, 2002); Senate debate, “Statement on Introduced Bills and Joint Resolutions,” *Congressional Record*, vol. 145 (Jan. 19, 1999), pp. S345-S470; House debate, “Democratic Legislative Agenda Held Hostage by Do-nothing/Do-wrong Republican Congress,” *Congressional Record*, vol. 145 (Nov. 3, 1999) pp. H11452-H11459; U.S. Congress, House Committee on Appropriations, *Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Bill, Fiscal Year 2001*, report to accompany H.R. 4690, 106th Cong., 2nd sess., H.Rept. 106-680 (Washington, GPO, 2000), p. 8; House debate, “Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2002,” *Congressional Record*, vol. 147 (July 18, 2001), pp. H4167-H4202; Senate debate, “Statement on Introduced Bills and Joint Resolutions,” *Congressional Record*, vol. 145 (Mar. 25, 1999), pp. S3440-S3457; Sen. Orrin Hatch, “Hatch Amendment No. 246,” *Congressional Record*, vol. 145 (Apr. 12, 1999), p. S3600.

¹¹ 42 U.S.C. §3796dd(d).

COPS Appropriations¹²

Congress *first* appropriated funding for the COPS program in 1995 at \$1.3 billion (see **Figure 1**). As illustrated in **Figure 1**, in FY1996, the total amount of appropriated funding increased 7.7% (\$1.4 billion) and in FY1997, funding increased by 1.2% (\$1.42 billion). Appropriations for the COPS program in FY1998 decreased 1.2% from FY1997 to almost the same level of funding it received in FY1996 (\$1.4 billion). Funding for the COPS program remained constant at about \$1.4 billion, until FY2000, when funding decreased 57.5% (\$595 million). Appropriations for the COPS program began to increase again in FY2001. In FY2001, Congress increased COPS appropriations by 73.5%, to slightly over \$1 billion. In FY2002, COPS appropriations increased 1.7% from the previous year. In FY2003, COPS appropriations decreased by 11.6% (\$929 million) and in FY2004, the program's appropriations decreased by 18.6% (\$756 million) from the previous year.¹³ In FY2005, appropriated funding for the COPS program decreased 19.8% (\$606 million)¹⁴ from FY2004, and in FY2006, the COPS program saw another 21.1% (\$478 million) reduction.¹⁵

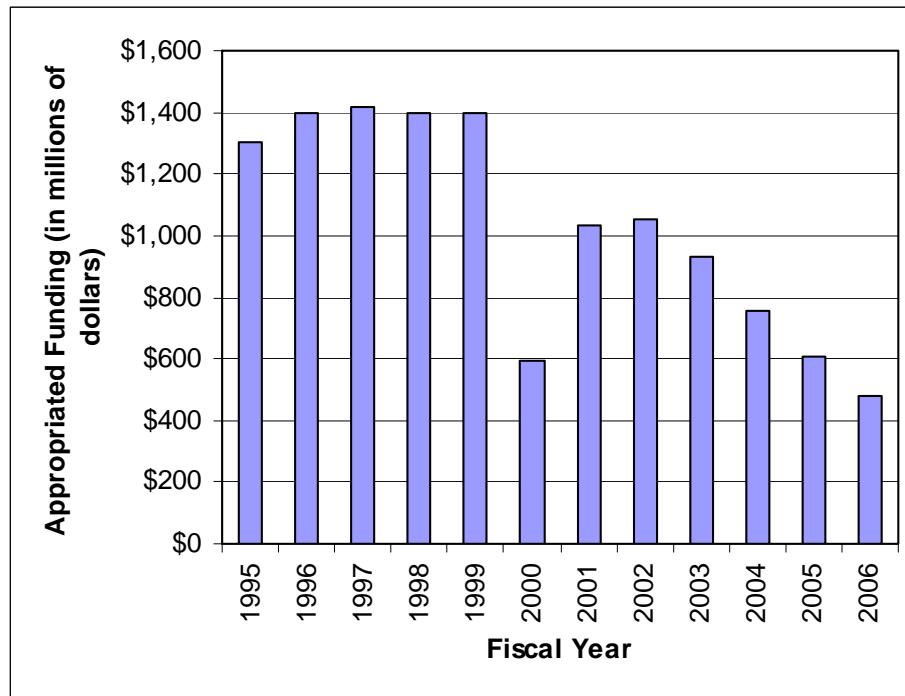
¹² On Sept. 29, 2006, Congress passed the Department of Defense FY2007 Appropriation bill (P.L. 109-289), which included a continuing resolution (CR) providing funding for Science, State, Justice and Commerce (SSJC) and related agencies through Nov. 17, 2006. The funding is to be the lesser of House- or Senate-passed funding levels for FY2007 or the FY2006 enacted level. On Nov. 15, 2006, Congress passed a second CR (H.J.Res. 100), which extended funding provided in the initial continuing resolution through Dec. 8, 2006. On Dec. 8, the House passed a third CR (H.J.Res. 102) extending funding through Feb. 15, 2007. The Senate passed the measure on Dec. 9.

¹³ This amount does not reflect a \$6.378 million rescission imposed by Congress on all COPS unobligated balances.

¹⁴ This amount does not reflect a \$99 million rescission imposed by Congress on all COPS unobligated balances.

¹⁵ This amount does not reflect a \$86.5 million rescission imposed by Congress on all COPS unobligated balances.

Figure 1. Enacted Appropriations for COPS, FY1995-FY2006



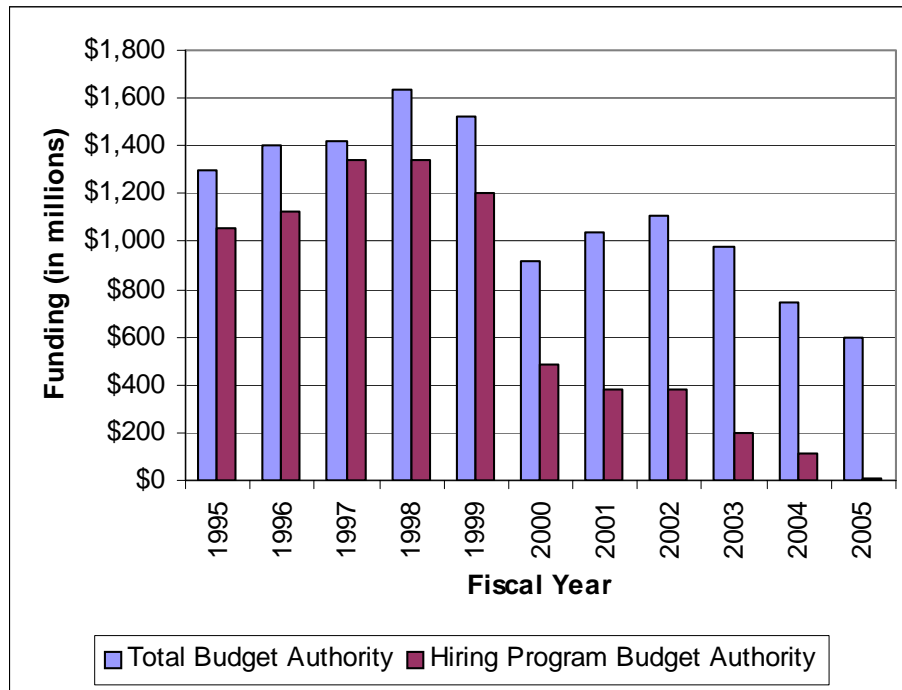
Source: CRS presentation of funding in annual appropriations acts (P.L. 103-317, P.L. 104-134, P.L. 104-208, P.L. 105-119, P.L. 105-277, P.L. 106-113, P.L. 106-553, P.L. 107-77, P.L. 108-7, P.L. 108-199, P.L. 108-447, and P.L. 109-108).

In the early years of the COPS program, a majority of the program's budget authority went to grant programs specifically aimed at hiring more police officers (see **Figure 2**).¹⁶ Beginning in FY1998, however, budget authority for COPS hiring programs began to decline, whereas non-hiring grant programs started to see an increase in funding.¹⁷

¹⁶ Hiring grant programs include COPS Universal Hiring Program, COPS Making Officer Re-deployment Effective, COPS in Schools and Homeland Security Overtime (FY2003 only).

¹⁷ Non-hiring grant programs include Community Policing Development (T&TA), Police Integrity, Tribal Resource Grant program, Methamphetamine Initiative, Safe Schools, Law Enforcement Technology, Interoperable Communications program, DC Offender Services program (FY1999 only), OIG Audit (FY1999 only), COPS Domestic Violence program, Police Recruitment program (FY1998 only), Small Communities Grant program (FY1998 only), Police Corps, Innovative Programs, Bulletproof Vest program, Crime ID Tech Assistance Act, DNA Backlog Elimination program, Crime Lab Improvement, Paul Coverdell Forensic Science Grants, Criminal Record Upgrades, Offender Re-entry, Project Sentry, and Community Prosecutors Grant program.

Figure 2. Total Budget Authority and Budget Authority for Hiring Programs for COPS, FY1995-FY2005



Source: Congressional Affairs Office, the Office of Community Oriented Policing Services.

The Administration's Budget Request

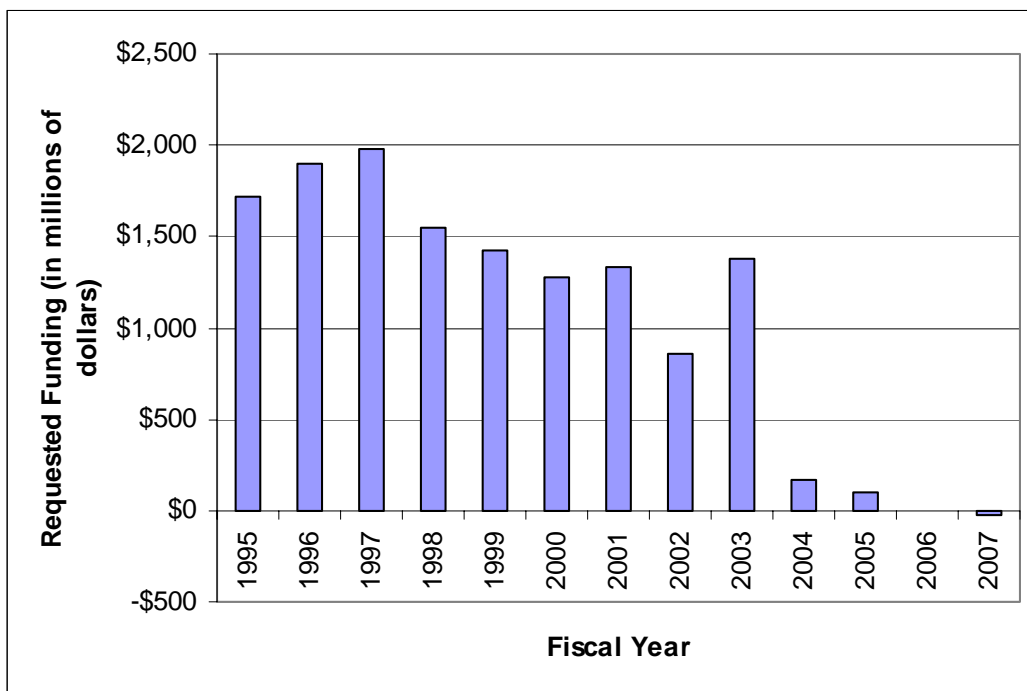
In FY1995-FY2001, the Administration's COPS budget request averaged \$1.6 billion. As illustrated in **Figure 3**, the greatest amount of requested funding for COPS was in FY1997, when the Administration requested nearly \$2 billion. The Administration's funding request for FY2002 for COPS decreased 36% from the previous fiscal year to \$860 million. The Administration's funding request for FY2003, however, increased 62% more than FY2002 to \$1.4 billion. Despite the requested increase in COPS funding in FY2003, the amount of funding requested by the Administration for the COPS program has decreased since FY2004. The Administration's funding request for FY2004 (\$164 million) was 88% less than it was in FY2003. The Administration's funding request for the COPS program for FY2005 (\$97 million) was the lowest requested funding for the program since its inception.¹⁸ The requested funding for the COPS program for FY2006 was \$118 million.¹⁹ However, the Administration also requested that \$115.5 million be

¹⁸ The President's FY2005 budget request included realignment of the Police Corps, Bulletproof Vest, Criminal Record Upgrade, DNA Initiative, Paul Coverdell Forensic Science Improvement, Crime Identification Technology Act, Gun Violence Reduction Program, Southwest Border Prosecution Initiative, and Offender Re-entry Program grants to other OJP accounts.

¹⁹ The President's FY2006 budget request included the realignment of the Bulletproof Vest, (continued...)

rescinded. The Administration's request for COPS for FY2007 (\$102 million) is 13% less than the amount requested in FY2006. The Administration has also requested a \$127.5 million rescission for the COPS program for FY2007.²⁰

Figure 3. Requested Funding for the COPS Program



Source: CRS presentation of the Administration's budget requests for the respective years.

Figure 4 depicts that Congress has appropriated funding for the COPS program in excess of the Administration's budget request since FY2004. FY2002 and FY2004-FY2006 are the only years since the COPS program was created that Congress has appropriated more funding than was requested by the Administration.

As shown above, the amount of funding appropriated for COPS hiring programs has declined since FY1999. Moreover, the Bush Administration has emphasized its desire to focus more on the non-hiring aspects of the COPS program to better equip police departments so they can respond to crime and terrorism.²¹ Arguably, one of the main purposes of the COPS program when it was enacted was to place more officers on the beat. This was due in large part to the unprecedented high crime rate

¹⁹ (...continued)

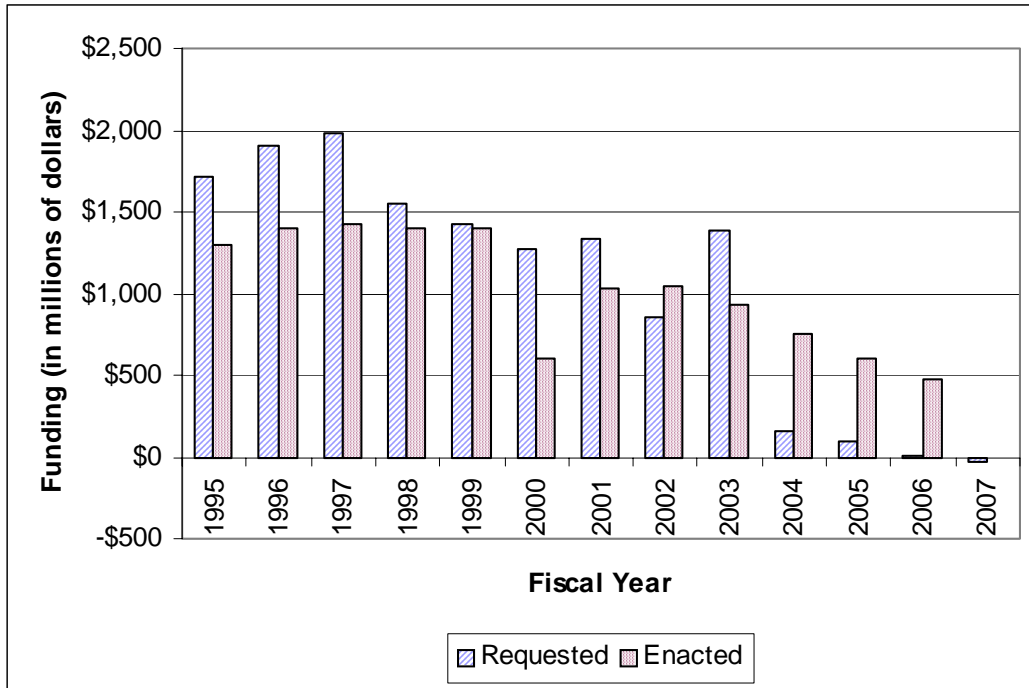
DNA Backlog/Crime Lab Improvement, Offender Re-entry, Gun Violence Reduction, and Southwest Border Prosecution Assistance programs to other OJP accounts.

²⁰ The \$127.5 million that the Administration has proposed to rescind would come from the FY2006 unobligated balances.

²¹ Testimony of Viet Dinh in U.S. Congress, Senate Committee on the Judiciary, Subcommittee on Crime and Drugs, *Making America's Streets Safer: The Future of the COPS Program*, 107th Cong., 1st sess., Dec. 5, 2001 (Washington: GPO, 2002), p. 14.

at that time. As the crime rate began to decline in the late 1990s, less emphasis was placed on the hiring of more officers.

Figure 4. Funding Appropriated by Congress Compared With the Funding Requested by the Administration



Source: CRS presentation of annual appropriations acts and the Administration's budget justifications.

COPS Evaluation and Audit Findings

GAO Report

According to the Department of Justice (DOJ), by 2000, the COPS program *funded* 105,000 police officers.²² The Government Accountability Office (GAO), however, noted that COPS funding paid for a total of about 88,000 additional *officer-years* from 1994 to 2001.²³ Even though COPS may not have put 100,000 officers

²² U.S. Attorney General's Office, *Attorney General's Report to Congress: Office of Community Oriented Policing Services*, Sept. 2000, p. iii, at [<http://www.cops.usdoj.gov/mime/open.pdf?Item=289>].

²³ An officer-year refers to the number of officers in a given year the GAO could attribute to COPS expenditures, and the additional officers in a given year attributable to COPS expenditures represents a net addition to the stock of sworn officers. An officer-year is not equivalent to the total number of officers or full-time officer equivalents hired as a result of COPS grant funds; nor is it equivalent to the total number officers funded by COPS grants.

(continued...)

on the street, the GAO noted that COPS funding did result in more police officers being hired than would have been expected if COPS did not provide the hiring grants. Moreover, the GAO estimated that COPS funding contributed to a 1.3% decline in the overall crime rate and a 2.5% decline in the violent crime rate for the years 1993 to 2000.²⁴

DOJ OIG Report

A 2003 DOJ Office of the Inspector General (OIG) audit of the COPS program noted the following with respect to the COPS program:

- there is a *structural* overlap between Office of Justice Programs (OJP) and COPS;
- there is a duplication in some of OJP's and COPS' grant program; and
- COPS lacks an online application system.²⁵

According to the OIG, COPS entered into a series of reimbursable agreements each year with OJP to have OJP provide services to help COPS carry out its mission. The OIG also found that an increasing percentage of COPS funding was being administered by OJP.²⁶ Concomitantly, the management and administration costs per COPS grant had been increasing. In its report, the OIG noted that grant funds awarded under several COPS programs (i.e., Universal Hiring Program, COPS in Schools, Make Officer Re-deployment Effective, COPS Safe Schools, and Secure Our Schools) and under the Local Law Enforcement Block Grant Program (LLEBG) can sometimes be used for the same purposes.

The OIG recommended that the Director of COPS and the Assistant Attorney General for OJP identify any proposed programs or grants that have similar purposes and eliminate any duplication of effort to ensure that awards are not made to the same grantee for the same purpose.²⁷ Recently, Congress merged the Local Law

²³ (...continued)

U.S. Government Accountability Office, *Community Policing Grants: COPS Grants Were a Modest Contributor to Declines in Crime in the 1990s*, GAO-06-104, Oct. 2005, p. 12.

²⁴ Ibid., p. 14.

²⁵ U.S. Department of Justice, Office of the Inspector General, *Streamlining of Administrative Activities and Federal Financial Assistance Functions in the Office of Justice Programs and the Office of Community Oriented Policing Services*, Audit Report 03-27, Aug. 2003, at [<http://www.usdoj.gov/oig/reports/plus/a0327/final.pdf>].

²⁶ The OIG noted that the COPS Office transferred a significant amount of its appropriated funding to OJP because it was mandated by Congress in appropriations language. COPS has also transferred funds to OJP through discretionary pass-throughs when OJP and COPS agree that a program would be best administered either by OJP or by OJP and COPS.

²⁷ U.S. Department of Justice, Office of the Inspector General, *Streamlining of Administrative Activities and Federal Financial Assistance Functions in the Office of Justice Programs and the Office of Community Oriented Policing Services*, Audit Report (continued...)

Enforcement Block Grant (LLEBG) program with the Edward Byrne Memorial grant programs to create the Edward Byrne Memorial Justice Assistance Grant (JAG) program.²⁸ Two of the purpose areas that JAG funding could be used for are “law enforcement programs,” and “planning, evaluation and technology improvement programs.”²⁹ It appears possible that funding awarded under JAG could still fund programs that could be funded under COPS grants, even though LLEBG has been eliminated. The Administration’s FY2007 budget request proposed to move several programs that receive its appropriations under COPS to OJP.³⁰

NIJ Report

In 2000, the National Institute of Justice (NIJ) published the findings of an evaluation of the COPS program it sponsored through a grant to the Urban Institute.³¹ The evaluation focused on COPS grants enabling law enforcement agencies (1) to hire police officers to engage in community policing activities, and (2) to redeploy existing officers to community policing by increasing officer productivity through the acquisition of technology or by freeing up officers for community policing by filling some officer-held positions with civilians. Some of the findings that NIJ reported included

- Of the 105,000 officer and officer equivalents funded by the COPS program by May 1999, the Urban Institute estimated that between 84,700 and 89,400 of the funded police officers would have been deployed by 2003.³²
- COPS funding helped promote the adoption of community policing by local law enforcement agencies, but in most cases, COPS funding

²⁷ (...continued)

03-27, Aug. 2003, p. 16, at [<http://www.usdoj.gov/oig/reports/plus/a0327/final.pdf>].

²⁸ See Section 1111 of P.L. 109-162.

²⁹ Ibid.

³⁰ The President’s FY2007 budget and requested appropriations for the following programs under OJP rather than the COPS program: Law Enforcement Armor Vest program, criminal records upgrades, offender re-entry, DNA analysis, anti-gang violence, Paul Coverdell grants, and Project Safe Neighborhoods.

³¹ Jeffery A. Roth and Joseph F. Ryan, *The COPS Program After 4 Years — National Evaluation*, National Institute of Justice, Research in Brief, Aug. 2000, at [<http://www.ojp.usdoj.gov/nij/pubs-sum/183644.htm>]. The full report can be found at [<http://www.ojp.usdoj.gov/nij/pubs-sum/183643.htm>].

³² The researchers noted that 39,600 of the 105,000 funded officers reported by the COPS Office were funded through MORE grants. The researchers also noted that local law enforcement agencies sometimes overestimated the number of officer FTEs that they would be able to re-deploy as a result of purchasing new technology or hiring civilians for some positions. Also, in the case of hiring grants, the researchers noted that local law enforcement agencies had to hire and train officers after they received their hiring grant; hence, an officer was not immediately put on the beat after the hiring grant was awarded to the agency.

furthered community policing efforts that had already started. Also, local law enforcement agencies adopted programs that fit their definition of “community policing.”

- Building partnerships between COPS grantees and the community was commonplace, but all too often, the partnerships were in name only or were simply temporary working relationships.
- One percent of COPS grantees with the largest 1997 murder counts received 31% of all COPS funds awarded through 1997, and 10% of COPS grantees with the largest 1997 murder counts received 50% of all COPS funds awarded through 1997.
- The COPS program facilitated the efforts of agency chief executives who were inclined towards innovation and represented perhaps the largest effort to bolster development of law enforcement technology since the 1967 President’s Commission on Law Enforcement and Administration of Justice.

Conclusion

The COPS program was recently reauthorized through FY2009. The level of funding appropriated to the overall COPS program, however, has been decreasing since FY2002. In recent years, COPS appropriations have increasingly gone to funding technology programs. As the COPS program continues to evolve, several questions may concern lawmakers, including

- Will COPS become a program that solely funds technology efforts for state and local law enforcement?
- Can COPS funding continue to contribute to the decreasing crime rate if it only funds technology programs?
- To prevent overlap in the structure of the programs administered by the COPS Office and OJP, should COPS be responsible for managing all of the funding appropriated to it rather than transferring some of its activities to OJP? Or, should all of COPS funding be transferred to OJP?